



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, IL 60604-3590**

**NOV 06 2009**

REPLY TO THE ATTENTION OF:

E-19J

Mr. Steve Clark  
CEMVP-PM-A  
U.S. Army Corps of Engineers  
St. Paul District  
190 First Street East, Suite 401  
St. Paul, Minnesota 55101

Re: Final Integrated Reservoir Operating Plan Evaluation and Environmental Impact Statement, Upper Mississippi River Headwaters, Bemidji to St. Paul, Minnesota

Dear Mr. Clark:

The U.S. Environmental Protection Agency (EPA) has reviewed the U.S. Army Corps of Engineers' (USACE) Final Integrated Reservoir Operating Plan Evaluation (ROPE) and Environmental Impact Statement (EIS) for the above-mentioned project in accordance with our responsibilities under the National Environmental Policy Act, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The purpose of the Draft ROPE and Draft EIS was to review water control operations at the Mississippi River Headwaters federal reservoirs and to evaluate alternative plans to improve system operation while attempting to balance benefits in consideration of flood risk reduction, water quality, water supply, the tribal trust, environmental protection, and other public interests. The Draft EIS identified Alternative P as the Preferred Alternative. This alternative attempted to provide a balance between negative effects and benefits for users and resources.

The public comment process for the Draft EIS surfaced substantial controversy regarding the Preferred Alternative. In particular, nearly all of the comments received opposed the gradual summer decline in reservoir water levels identified in the Preferred Alternative. Most of the comments emphasized that the tradeoff between natural resource benefits and socioeconomic effects was not justified. As a result, USACE developed a new operating plan, the Final Plan, which is an update of the current operating plan. The Final Plan is essentially the No Action Alternative analyzed in the Draft EIS. The Final Plan does not include the mid-summer decline or increased minimum releases presented in Alternative P in the Draft EIS. The Final Plan differs from the No Action Alternative because it includes minor modifications to the Cass and Leech Lake plans. The Final Plan for those two lakes is the same as Alternative P analyzed in the Draft EIS.

In our October 30, 2008 comment letter, EPA assigned a rating of "Environmental Concerns – Insufficient Information" to the Draft EIS. We requested a greater level of detail regarding: 1) the various alternatives, 2) the Adaptive Management Plan, 3) the affected environment, 4) effects to migratory birds, and 5) effects to the wild rice harvest and tribal trust resources. Our comment letter also requested information regarding possible opportunities for working with the recreational community to improve water quality. Our comments were designed to generate a more robust analysis supporting the selection of a preferred alternative.

USACE has indicated that, based on public comments and its decision to propose an operating plan in the Final Plan/EIS that is basically the no action alternative, the analysis provided in the Draft EIS is adequate to support the proposed operating plan. We think the process would have benefitted from addressing the comments presented in our Draft EIS letter.

Looking forward, we encourage USACE to work with the recreational users of the reservoir system to institute measures designed to improve water quality, as these measures are not likely to affect water levels. We recognize that USACE will continue to use adaptive management to implement the operating plans in light of dynamic conditions.

We appreciate the opportunity to comment on this project. Please forward one copy of the Record of Decision for this project to this office when it becomes available. If you have any questions, do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206 or via email at [kowal.kathleen@epa.gov](mailto:kowal.kathleen@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake", written in a cursive style.

Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance